

ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 11, 2013

I. CALL MEETING TO ORDER: The meeting was called to order at 7:04 pm by Mayor Hunt Willoughby.

A. Roll Call: The following were present and constituted a quorum:

Mayor Hunt Willoughby

Council Members: Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clement

Staff: Rich Nelson, Shane Sorensen, Jason Bond, Marla Fox, David Church, Annalisa Beck, Annette Scott

Others: Peter Hart, Jeana Hart, Jannicke Brewer, Police Chief Gwilliam, Fire Chief Brad Freeman, Mike Kennedy, Will Jones, Kent Hastings, Allan Hastings, Preston Harvey, Jannicke Brewer, Bruce Harvey, Ginny Rainsdon, Stephen Larsen, Darren Gooch

B. Prayer: Troy Stout

C. Pledge of Allegiance: Alan Hastings

II. PUBLIC COMMENT

Alan Hastings presented an Eagle Project to put up plaques in Lambert Park to raise awareness about the poppy fields. Alan Hastings said he emailed his project ideas to Ron Devey. He wants to define some trails through the flowers and put the plaque up on a rock. Will Jones approved the project including the fundraising.

Preston Harvey presented an Eagle Project of painting fire hydrants in the Matterhorn, Pfeifferhorn area. He has received information on what type of paint to use and what color. Will Jones signed off on the project.

Kent Hastings said he wanted to let the City Council know what the Youth Council had planned for the following year. There would be 41 youth and 3 leaders. Some items they wanted to address were a PA system for the Easter Egg Hunt at Creekside Park. Also, if any of the town leadership could attend, that would be appreciated. For the Memorial Day Breakfast, he said they didn't know they were needed to cook the breakfast. In years past, they had put up tables and served at the breakfast. He asked that the Council please let them know in the future if they needed to cook.

Mr. Hastings said the Youth Council would like to get to know the Council better. If they could have an assignment to debate or research something, they would love to do that. He also asked if the assignment to work with the Youth Council could be rotated through the City Council so the youth could get to know more members. He added that they had a Facebook pages with updates on their activities.

Mr. Hastings said the Youth Council wanted to provide the best service for Alpine Days, and needed information sooner than later. They lost revenue if events were cancelled or changed. Kimberly Bryant told them to work with Curry Jones on getting information. Mr. Hastings said the Youth Council needed a good location for their Coke trailer because the money was used throughout the year for various activities. They needed information on the movie night, talent show, etc in order to set up the trailer. He also asked that they be exempt from Alpine Days fees. Kimberly Bryant said they were exempt last year. Mel Clement said the City Council appreciated the Youth Council.

Jenny Rainsdon said they had 63 kids on the Youth Council last year and it was difficult to manage. Some of the kids were just using it as a box checker for college and they were going to be stricter this year and limit the numbers.

Fire Chief Brad Freeman said they were in the fire season and they had a lot of citizens asking them to be proactive and shut the City down for fireworks. However they wouldn't be able to do that this year. Last year was the worst fire season in the history of Utah and it cost over fifty million dollars to fight fires yet, the fireworks laws were more relaxed this year. The new laws said the City Council had to vote on the fire restrictions this year. They were to use the new state guidelines to restrict areas. That took it out of the Fire Marshal's hands. Rich Nelson said the Fire Marshal still had to prove restricted areas met the criteria for dryness.

There was a question about Chinese lanterns. The Fire Chief said they were illegal and weren't allowed in any district or city. David Church confirmed that the City Council had to make decisions about fire restrictions in the mountainous and wildland interface areas. The Council could not close the whole city because that would be over-reaching. The Fire Chief would determine the at-risk areas then the Council would vote on closing the area.

Troy Stout asked if the City could implement emergency measures and call a meeting without notice. David Church said the Mayor already had that power. Chief Freeman said it would be a fierce fire season. If the paramedics were up fighting fires, there would be no one to help with medical problems. He asked the Council to get fire restrictions in place because they wouldn't have the manpower to fight fires and provide medical coverage

Will Jones mentioned that Cedar Hills had two fires last week during their city fireworks program. Alpine needed to do what they could to protect the city. David Church said that according to the state law, there would be a large area of Alpine that would be off limits. Chief Freeman showed on the map what areas would be off limits.

The Mayor said he had received the report for the Quail fire. He would read it, scan it and send it out to be reviewed.

III. CONSENT CALENDAR

- A. Approve minutes of May 14, 2013**
- B. Bond Release Bennett Farms, Plat A - \$47,166.16**
- C. Bond Release River Meadows, PRD Senior Housing - \$50,545.29**

MOTION: Will Jones moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: 5 Nays: 0
Motion passed.

The Council said that in the future they wanted the DRC to handle the Bond Releases rather than seeing them on the Consent Calendar.

IV. REPORTS AND PRESENTATIONS

A. Introduce Moyle Park caretakers: Peter and Jeana Hart said they had been married for 25 years and had three children. Two were out of the home and the third was a senior in high school. They said it was an honor and a privilege to serve in Moyle Park they were excited to be there. They would move in on July 1, 2013.

B. Financial Report for May 2013: General property taxes were down about \$5,000 from last year but they were up 3% over what was budgeted. Sales tax revenue showed a 3% increase. Motor vehicle revenue was up \$11,000. Franchise fees were up \$45,000. Overall the City was doing fine.

V. ACTION AND DISCUSSION ITEMS

A. PUBLIC HEARING ON THE FINAL BUDGET FOR FISCAL YEAR 2013-2014: Rich Nelson introduced the budget and Mayor Willoughby opened the meeting for public comment. There were no comments

B. Ordinance No. 2013-07 Adopting the Alpine City Budget for FY 2013-2014: Rich Nelson said that at the meeting of May 14, 2013, the City Council held a public hearing on the Tentative Budget, accepted the Tentative Budget and asked for some information on staff. The three items the City Council asked for more information on were:

1. TSSD.
2. Waste disposal.
3. Alternate merit raise structure for staff.

The TSSD question related to the City filling out the requested ERU information that the TSSD was requesting. This issue was a non-budget issue and was resolved.

The waste disposal questions related to the new contract that the City signed with ACE Disposal, the use of a new transfer station, and landfill operation. These issues were discussed with Council member Mel Clement and would be reviewed, if needed, in the budget presentation to the Council.

A request for an alternate merit structure for staff was requested. The Tentative Budget included funds for a merit increase for staff of up to 3%. The new proposal in the budget was a merit increase of 1% for those making more than \$60,000 and 2% for those making less than \$60,000.

The City Council discussed the fact that the City workers were doing more work with fewer people than they had four years ago. Will Jones said he felt like raises should be based on certification and schooling. They should not be given an across-the-board increase just because. Mel Clement said there needed to be a ceiling on how much someone was paid. Bradley Reneer asked if the Council could get job descriptions. Annalisa said with 14 employees, they all wore many different hats and had multiple job descriptions. It would be difficult to give a job description for each person. She said every person in the organization was very important in making the City run efficiently.

The City Council discussed the Cove having to pay additional fees for EMT and Fire Response. Bradley Reneer asked if the City could charge a Cove resident extra if they fought a fire at their home. David Church said the Cove paid \$12,000 as a standby charge. Utah County was not in the fire fighting business.

MOTION: Will Jones moved to approve the Final Budget for fiscal Year 2013-2014 for Alpine City with a 1% and 2% increase for City employees. Motion Failed

MOTION: Troy Stout moved to adopt the budget including a merit increase of up to 3% for Alpine City Staff with the elimination of the telecommunications tax increase which would reduce the franchise fee fund by 40,000 to a total of \$540,000 and increase the fund surplus to \$208,221. Kimberly Bryant seconded. Ayes: 3 Nays: 2. Troy Stout, Bradley Reneer, and Kimberly Bryant voted aye. Will Jones and Mel Clement voted nay. Motion passed.

MOTION: Mel Clements made a substitute motion to pay the top employee a merit raise of 1%, the next two employees 2% and all the rest a 3.5% merit raise. Will Jones seconded. Ayes: 2 Nays: 3. Will Jones and Mel Clement voted aye. Troy Stout, Bradley Reneer, and Kimberly Bryant voted nay. Motion Failed.

Bradley Reneer said he felt that Mel Clement's proposal was targeting certain people, and they needed to talk about the motion more.

C. Resolution No. R2013-01 Adopting the Certified Tax Rate: The Certified Tax Rate for the City for the fiscal year 2013-2014 was set at 0.001773 as determined by the County Tax Assessor's office.

MOTION: Troy Stout moved to approve to adopt the Tax Rate for Alpine City for Fiscal Year 2013-2014 to be set at 0.001773, which was a reduction from last year of 0.0019. Will Jones seconded. Motion passed. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye.

D. Ordinance No. 2013-09 Adopting the Telecommunication Rate Increase: Rich Nelson said the purpose of the proposed increase in the telecommunications rate was to enable the City to pay for the increases in Alpine City's share of the Lone Peak Public Safety District's police and fire budgets. This year the Lone Peak Public Safety District Board voted to allocate Alpine's, Highland's and Cedar Hill's portion of the budget based on the population figures generated by the Mountain Lands Association of Governments. While that would make for better budgeting for the District in the long run, this change increased Alpine's portion of the District's budget. This budget increase had to be paid for out of the General fund. The rate increase would enable the City to pay its allocation of the budget without raising property taxes.

The proposed increase would increase the cell phone user's fee from 2.1% to 3.5%. The estimated amount of increase would be approximately \$0.52 cents a month. A Wireless Associations' survey states that the average cell phone bill was \$47.16 a month. The increase in the cell phone user's fee would increase that bill to \$47.68 a month.

MOTION: Will Jones moved to not approve Ordinance No. 2013-09 Adopting the Telecommunication Rate Increase, but to keep it at the current 2.1%. Seconded by Bradley Reneer. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye.

E. Resolution No. R2013-02 - Approving the Consolidated Fee Schedule: The City Council had been discussing increasing fees for park usage and accessory apartments, and had made motions approving the increase. The amended Consolidated Fee Schedule reflected those increases which also included an increase for Home Occupations from \$25 to \$50 as recommended by staff.

Also shown was an increase from \$250 to \$750 for the initial Plan Check Fee for new homes and commercial buildings. It would not increase the overall amount paid by the builder/homeowner. It simply assessed a larger part of the plan check fee upfront. Occasionally someone submitted plans for a new home or commercial building, then backed out after the plan check reviewer had spent time reviewing and approving the plans. The City still had to pay Sunrise for their time. The upfront increase would mitigate expense to the City in the event someone backed out after going through the plan approval process.

Annalisa Beck said the City paid Sunrise engineering \$56 an hour plus time the staff spent on it. Will Jones said he felt \$750 was too steep and the City would be making money on it. He didn't think they lost that many homes. He said he talked to Highland and they lost one home last year. They did charge more if the home was larger. Troy Stout said he liked the \$750 up-front charge. He said it didn't affect those who are serious about building.

Bradley Reneer said he had a problem with charging \$50 for a home occupation. David Church said the was not intended to be a money maker for the city. It was to cover real costs for time and resources.

MOTION: Will Jones moved to approve the Consolidated Fee Schedule, with the exception of dropping the \$750 application fee for a new home to \$500. Seconded by Bradley Reneer. Ayes: 3 Nays: 2. Will Jones, Bradley Jones, and Mel Clements all voted Aye. Kimberly Bryant and Troy Stout voted Nay.

F. PUBLIC HEARING ON THE AMENDED BUDGET FOR FISCAL YEAR 2012-2013: Rich Nelson introduced the amended budget. There were no comments.

G. Ordinance No. 2013-08 Amending the Budget for Fiscal Year 2012-2013: The amended budget reflected four changes in the General Fund under revenue and four changes under expense. The amount of the changes and the reason were:

Revenue

1. Redemption Tax Revenue: Increased by \$93,000. Developers were paying back property taxes as they got ready to develop land in the city.
2. Licenses & Permits: Increased by \$100,000. More development had taken place in the city than estimated in the Final budget.
3. Quail Fire Grant: Increased by \$150,000. This was for the Quail Fire Rehabilitation Grant.
4. Fund Balance: Increased by \$123,400. These were funds transferred to the fund balance to keep the City within the 18% legal limit for the unappropriated fund balance.

Expense

1. Administration: Decreased by \$62,000. This was for attorneys and consultant fees associated with the rehab center issues.
2. Court: Decreased by \$13,000. This was for additional Justice Court costs that were unbudgeted.
3. Parks & Recreation: Decreased by \$150,000. This is for the Quail Fire Rehabilitation Grant.

4. Miscellaneous: Decreased by \$241,400. This is to take care of the \$60,000 for the generator and generator related wiring needs, and for the transfer of funds into the fund balance to stay within the %18 legal limit.

MOTION: Will Jones moved to approve Ordinance No. 2013-08 Amending the Alpine City Budget, Fiscal Year 2012-2013. Seconded by Kimberly Bryant Ayes: 5 Nays: 0. Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clement voted aye.

H. Canyon Brook Estates PRD - Final Approval - Steve Larsen: Canyon Brook PRD was a proposed subdivision located at approximately 1520 Fort Canyon Road. The proposed subdivision consisted of 3 lots on 52.01 acres in the CE-5 zone. This was a resubmittal of a development that was previously approved for this property, also called Canyon Brook Estates. However, the approval of that development had lapsed and this was being considered as a new application.

Shane Sorensen showed on the map where the lots were, the open public space, and the conservation easement. Everything was completed with the exception of the road. Mr. Larsen would post a bond that would be held until the road was constructed. When the proposed development came in previously, approval had been given to construct a road with 26 feet of asphalt. That would need to be reapproved as an exception.

Jannicke Brewer said that because of terrain, this subdivision would not be required to have a second access if the Fire Chief gave his approval. Because of the ordinance change, Mr. Larsen needed more open space this time around and that's why the map looked a little different.

Shane Sorensen said there would be two catch basins. They also wanted to look at options to pipe the storm drain water to Fort Creek, which would need to be finalized prior to recording. Mr. Larsen had already installed a water line and a fire hydrant to his property. Nothing had changed except the open space.

MOTION: Will Jones moved that the following exceptions for Canyon Brook Estates PRD be approved:

1. The road width to be a maximum of 26 feet or match whatever road is finally approved in the canyon.
2. Based on conditions and terrain, Canyon Brook be exempt from Section 3.12.7.4.2 of the Development Code which required a secondary access.
3. In-home fire sprinklers be requested because it was in the urban wildland interface area.
4. The Fire Chief approve the exceptions.

Seconded by Kimberly Bryant. Ayes: 5 Nays: 0. Motion passed.

The Mayor and Troy Stout asked if there were any other possibilities for a second access. Shane Sorensen said that once the Three Falls subdivision went in, there would be a second access.

Motion: Will Jones moved to grant final approval to Canyon Brook Estates PRD Subdivision subject to the following conditions:

1. The pavement width may be 26 feet wide or match the new road in Fort Canyon.
2. The City Council determine if the street improvements will be constructed at this time or if the funds for the improvements will be put in an escrow account with the City for use when the entire Fort Canyon Road is re-constructed.
3. The Fire Chief determine if the fire sprinklers were an acceptable alternative to the reduced fire flows in the area, and verify that the existing fire hydrants in the area were sufficient.
4. Require two catch basins to be piped to Fort Creek with the understanding that if they were constructed prior to construction of the road, the developer would bear the cost with a reimbursement from the City for oversized utilities.
5. A storm drain plan be designed that included piping the storm water from Fort Canyon Road to Fort Creek. An easement for the line would need to be included on the final plat with a minimum

width of 15 feet. Oversized improvements would be reimbursed, but the developer would discuss the options for the cost of the oversized storm drain line with the City.

5. A UPDES permit be obtained and a SWPPP plan be provided to and approved by the City prior to beginning construction.
6. The water policy be met with the Alpine Irrigation Company shares.
7. A note be placed on the final plat noting the existing geological and geotechnical reports were on file with the City for this development.
8. A conservation easement be given to the City

Bradley Reneer seconded. Ayes: 6 Nays 0. Motion passed unanimously.

I. Water Conservation Enforcement Discussion: Shane Sorensen said the City originally set a date of June 1, 2013 to begin restrictions for the pressurized irrigation system. They moved the starting date for restrictions back to June 10, 2013 to allow the policy to be discussed and adopted at the May 28, 2013 City Council meeting. Following the meeting, a flyer would be sent out to all residents with water restriction details, the enforcement policy and educational information. Shane Sorensen said the same information would be on the website informing residents of the restrictions.

City staff proposed the following enforcement plan be considered:

1. First offense: Warning via a door hanger, or speak directly with resident if present.
2. Second offense: Pressurized irrigation service would be locked with \$50 reconnection fee.
3. Third offense: Pressurized irrigation service would be locked with a \$200 fee reconnection fee.

Troy Stout asked how dire the water situation was. Shane Sorensen said what little snow pack they had was not going to last very long. If the City had a well go down it wouldn't be good. Rich Nelson said the pumping costs would be extremely expensive. Mel Clements said they should have some sort of procedure for making sprinkling systems more efficient. Rich Nelson said the City would work with residents who called and made arrangements. Bradley Reneer said he has a problem with door hangers because they blew away. Shane Sorensen said they used a rubber band.

MOTION: Troy Stout moved that the City Council adopt the Water Conservation Enforcement Plan as proposed. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

J. Pine Valley Offices - Parking Exception Request: Will Jones declared a conflict of interest on this item and sat in the audience.

Jason Bond said that Will Jones owned the parcel of land on the northwest corner of the intersection of Canyon Crest Road and Main Street (at the roundabout). The 26,465 square-foot parcel was planned to include a new office building for Pine Valley Realty. The building pad was 3,650 square feet. According to Article 3.24 (Off-Street Parking) of the Zoning Ordinance, four (4) parking spaces were required for every 1,000 square feet on the building. Mr. Jones planned on having two stories plus a basement which would bring the total requirement to 44 spaces.

Mr. Jones was requesting that an exception to the parking requirement as outlined in Section 3.24.4 Reduction of Off-Street Parking Requirements. He requested that the basement square footage not be included in the parking requirement because he intended to use it only for storage. That would bring the total requirement to 29 spaces.

Jason bond said the Planning Commission had been concerned about the future use of the building should it be sold to someone else. They wanted to hinder the possibility that the basement would be used for anything other than storage. They recommended limiting the ceiling height in the basement to seven feet so it couldn't be used as office space.

Mayor Willoughby asked if the Council would be contemplating this option if it wasn't Will Jones' Building? Rich Nelson asked what could be done with this corner to make it look the better. Did they want to have a sea of parking on that corner? Mel Clements asked why Mr. Jones didn't just build a half- basement? Mr. Jones said he needed the storage space. Mel Clements said he had built a lot of buildings and there was never enough parking. The more

the basement was limited, the less chance it had of being occupied. Mr. Jones said he will build it with no windows and with a deed restriction. He would like to landscape the corner instead of having parking there. He added that he had given part of his property to the City to build the roundabout.

Troy Stout said he was sure Mr. Jones wouldn't use the basement for office space, but they didn't know what would happen on the future. Mr. Jones said he would have a deed restriction on the building that would transfer with the building to any owner. Troy Stout asked if any of the surrounding buildings had a parking exception. The answer was no. However, the City had a problem with one of the owners in the complex using the basement in his building for something other than storage when it was originally approved as storage only.

David Church said they could place a restriction on the title. If someone new came in to get a building permit to build something in the basement, the City could tell them it is not allowed. If it was put in without permission, the City would find out about it through a fire inspection and the City could shut it down.

Jason Bond said this area of town was in the Gateway Historic District and more parking didn't go along with how they wanted it to look. It was important for the City to dictate how it was developed and how it would look. The City Council discussed how Mr. Jones could create extra parking space by using his property to the west. Jannicke Brewer said the Planning Commission didn't want to approve a parking exception because others would want to do the same. She said if the City come up with restrictions on the basement, they could come up with additional parking spaces. Bradley Reneer said he didn't think Mr. Jones should build his building unsafely with no windows, - 7-foot ceilings, no doors, etc. David Church said he agreed. The deed restriction should be adequate.

MOTION: Troy Stout moved to grant an exception to the parking requirement for the proposed Pine Valley Realty office building to exclude the square footage in the basement from the calculation based on the finding that the basement would be used only for storage, and instead require 32 parking spaces as stated in section 3.24.4 of the Zoning Ordinance, subject to the following conditions:

1. The developer enter an agreement with the City stating that the basement of the proposed office building will never be used for anything except storage.
2. Record a deed restriction on the plat stating that the basement shall not be used for anything other than storage to be transferable to a future owner.

Seconded by Bradley Reneer. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kimberly Bryant, Mel Clement voted aye. Councilman Will Jones did not vote.

VI. STAFF REPORTS

Rich Nelson said staff had received a request to send a letter to the owners of Box Elder South subdivision, but they felt uncomfortable sending a letter without the approval of the Council. A draft copy of the letter was presented to the Council along with the settlement agreement. The issues were relevant to the lawsuit plus a provision stating that the City would prosecute damage to Lambert Park. He said staff felt the street names in Box Elder South would be confusing. Also, the streets needed to be built to City standards. The sewer system needed to be addressed. Will Jones suggested adding details on certain subjects to the letter so they had a record in the future.

Shane Sorensen said County Public Works would not approve it until Alpine City looked at it. They wanted comments on infrastructure and utilities. Mel Clement asked if Alpine City would plow snow in this subdivision. Rich Nelson said the County would be responsible for snow removal as with Alpine Cove. Shane Sorensen showed a map of the subdivision showing open space where they may build a restroom. He said he had made notes about the sewer line and wanted to know if he was okay to sign off on the letter. It was really an engineering review but he wanted the Council's input.

David Church said both the Pattersons and the County would want the City to annex this property once the County approved the plat. Will Jones said Alpine should annex it because the City would have the impact. They may as well get the tax revenue.

VII. COUNCIL COMMUNICATION

Mel Clement said he called about the pressurized irrigation bond the City had. He said they could possibly borrow money from themselves and fund it internally. They could pick up 2.5 % with a potential savings of \$125,000 per year. He suggested they look at it.

Bradley Reneer asked if any more had been heard about the Lambert Park property. Staff said no. He said he'd heard Cedar Hills was doing their fireworks early. Wondering if they should consider doing them early.

Mayor Willoughby said the previous resident of Alpine (name) was moving toward running toward president of Mali.

Troy Stout said he spoke with Stake President Neilson about having service day at Lambert Park.

VIII. EXECUTIVE SESSION

MOTION: Will Jones moved to go to executive session for the purpose of discussing pending litigation: Kimberly Bryant seconded. Ayes: 5 Nays: 0 Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clements voted aye. Motion passed.

The Council went into closed session at 11:00 pm.

MOTION: Will Jones moved to return to open meeting. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

MOTION: Troy Stout moved to adjourn. Mel Clement seconded. Ayes: 5 Nays: 0 Motion passed unanimously.

The meeting was adjourned at 11:25pm.